

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

STUDENT DRIVERS

The SECRETARY OF STATE adopted emergency amendments to Issuance of Licenses (92 IAC 1030; 44 Ill Reg 10011) and Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 10021) both effective 5/21/20 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 44 Ill Reg 9923 and 9926. These rulemakings enable teens who have completed driver education courses, but have not been able to take road tests and obtain licenses due to the closure of SOS facilities during the COVID-19 pandemic, to complete road tests outside of SOS facilities. The Part 1030 emergency and proposed rules exempt students who have completed an entire driver education course through a commercial driver training school, or who earned a grade of B or higher in the classroom portion of

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

a high school driver's ed course and completed behind-the-wheel instruction through a commercial driver training school, from the requirement to take road tests at an SOS facility. Students who meet these criteria may take road tests from SOS-approved commercial driver training school instructors. Commercial driver training schools wishing to offer road tests

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Proposed Rulemakings

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Definitions and General Provisions (35 IAC 211; 44 Ill Reg 9305) and Air Quality Standards (35 IAC 243; 44 Ill Reg 9330) updating various provisions to conform to federal regulations. Amendments to Part 211 update the list of compounds exempted from the definition of volatile organic compound (VOM). The Part 243 rulemaking amends the Illinois ambient air quality requirements to correspond with recent amendments to the federal National Ambient Air Quality Standards (NAAQS). A teleconferenced public hearing on the Part 243 rulemaking will take place **Thursday, July 16, at 11:55 a.m.**, at the James R. Thompson Center, Room 11-512, 100 W. Randolph St., Chicago and

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rules

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to high school students must apply to SOS for approval and must list the names of the instructors who will administer these tests. Amendments to Part 1060 allow commercial driver training schools to provide classroom instruction online through live streaming or pre-recorded sessions during Phase 3 of the Restore Illinois pandemic recovery plan (which began 5/29 in most areas). In-person instruction may be offered, but is not required, provided that no more than 10 persons, including students and staff, are present in the classroom at any time; Department of Public Health social distancing guidelines are observed; face coverings are worn and disposable masks made available to students upon request; hand sanitizer is provided in the classroom; and classrooms are sanitized between sessions. Behind-the-wheel instruction may also resume in Phase 3 provided that instructors and students wear face coverings; hand sanitizer is kept in the training vehicle and vehicles are sanitized between lessons; students are limited to 1 hour of behind the wheel instruction per day; and only one student and one instructor are present in the training vehicle (a parent may ride along if requested). For students under age 18, written consent to behind-the-wheel instruction must be obtained from the student's parent or guardian. Minimum observation hour requirements will be waived through 8/31. When the region in which a driver training school is located reaches Phase 4 of Restore Illinois, in-person

classroom instruction shall resume under the same conditions as Phase 3, minus the 10-person limit. These rulemakings also establish a 12-month pilot program under which commercial driver training school instructors with at least 5 continuous years giving behind-the-wheel instruction to teens may administer road tests to students who have successfully completed an approved driver education course through their high school or a commercial driving school. The instructors and the routes used must be approved by SOS and the tests must be scored in the same manner and include the same maneuvers as tests administered by SOS. Those affected by these rulemakings include commercial driver training schools and driver education students.

Questions/requests for copies/ comments on the 2 proposed SOS rulemakings through 7/20/ 20: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, bglahn@ilsos.gov

DPH EMERGENCY REPEAL

The DEPARTMENT OF PUBLIC HEALTH repealed, by emergency rulemaking effective 5/20/20, an emergency amendment to Control of Communicable Diseases Code (77 IAC 690) that had been adopted 5/15/20 at 44 Ill Reg 9282. The repealed emergency rule invoked DPH's statutory authority to control "dangerously contagious or infectious disease outbreaks" by imposing restrictions upon food and beverage service businesses, establishments offering indoor

fitness or non-medical wellness services, and business/ establishments offering cosmetology, esthetics, tanning, body art or other non-medical personal care services for the duration of the COVID-19 public health emergency.

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

ETHICS

The EXECUTIVE ETHICS COMMISSION adopted emergency amendments to Organization, Information, Rulemaking and Hearings (2 IAC 1620; 44 Ill Reg 9987) effective 5/22/20 for a maximum of 150 days. The emergency rule suspends, for the duration of the COVID-19 disaster proclamations, required filing and service of paper documents and requires documents to be filed by e-mail. For disciplinary appeals pending as of 3/9/20, the 60-day deadline for the EEC to issue a decision has been suspended for the duration of the COVID-19 emergency. Quarterly reporting deadlines for complaint investigations and the 15-day deadline for appealing disciplinary actions are also suspended.

Questions/requests for copies: Stephen J. Rotello, EEC, 515 Stratton Bldg., Springfield IL 62706, stephen.rotello@illinois.gov

Proposed Rulemakings

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at the PCB Hearing Room, Illinois Environmental Protection Agency headquarters (Sangamo Building), 1021 N. Grand Ave., Springfield.

Questions/requests for copies/comments on the 2 PCB rulemakings through 7/20/20: Don A. Brown, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601. Please reference docket R19-15 for Part 211 and consolidated docket R19-14/R20-3/R20-11 for Part 243.

PLUMBING INSPECTION

PCB also proposed an amendment to Design, Operation and Maintenance Criteria (35 IAC 604; 44 Ill Reg 9352) extending the deadline for cross connection control device inspectors (CCCDI) to renew their licenses until 10/30/20. A companion emergency rule effective 4/17/20 (44 Ill Reg 7777) extended the deadline until 8/31/20.

Questions/requests for copies/comments through 7/20/20: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference docket R20-20.

■ HAZARDOUS WASTE

PCB proposed amendments to the following 13 Parts: RCRA and UIC Permit Programs (35 IAC 702; 44 Ill Reg 9360), RCRA Permit Program (35 IAC 703; 44 Ill Reg 9368), Hazardous Waste Management System: General (35 IAC 720; 44 Ill Reg 9379), Identification and Listing of Hazardous Waste (35 IAC 721; 44 Ill Reg 9450), Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 44 Ill Reg 9570), Standards Applicable to Transporters of Hazardous Waste (35 IAC 723; 44 Ill Reg 9638), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 44 Ill Reg 9654), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; 44 Ill Reg 9681), Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 44 Ill Reg 9732), Land Disposal Restrictions (35 IAC 728; 44 Ill Reg 9799), Standards for Universal Waste Management (35

IAC 733; 44 Ill Reg 9824), Solid Waste Disposal: General Provisions (35 IAC 810; 44 Ill Reg 9861) and Standards for New Solid Waste Landfills (35 IAC 811; 44 Ill Reg 9881). These amendments update PCB's hazardous waste rules to incorporate recent amendments adopted by the U.S. Environmental Protection Agency concerning management of hazardous waste pharmaceuticals and aerosol cans. Those affected by these rulemakings include hospitals, healthcare facilities, and other businesses that dispose of used or expired medications.

Requests for copies/comments on these 13 rulemakings through 7/20/20: Don A. Brown, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference consolidated docket R20-3/R20-11. Questions: Michael J. McCambridge, same address, 312/814-6924, michael.mccambridge@illinois.gov. Copies of the Board's opinions and orders on all rulemakings can be obtained at 312/814-3620 or downloaded from the PCB website at <http://www.pcb.illinois.gov>

Adopted Rules

SCHOOLS

The STATE BOARD OF EDUCATION adopted an amendment to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 43 Ill Reg 14596) and proposed a new Part titled State Seal of Biliteracy (23 IAC 680; 43 Ill Reg 14636), both effective 5/21/20, implementing Public Act 101-22, which allows nonpublic schools to participate in the State Seal of Biliteracy program. The program recognizes high school graduates who have attained a high level of proficiency in non-English languages. Criteria for earning the seal are contained in the new Part 680; the current State Seal of Biliteracy rules in Part 1 are repealed because the new Part applies to both public and nonpublic schools. Nonpublic schools may be affected.

Questions/requests for copies of the 2 SBE rulemakings: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net.

TANF & SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Temporary Assistance for Needy Families (89 IAC 112; 43 Ill Reg 14540) and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 14555 and 14972), both effective 5/20/20. Both rulemakings clarify certain categories of non-U.S. citizens who may qualify for TANF or SNAP. These amendments include citations to provisions of the federal Immigration and Nationality Act affecting persons for whom deportation has been withheld indefinitely, as those provisions existed both before and

on or after 9/30/96. Additionally, the Part 121 amendment (which combines two separately proposed rulemakings) implements a provision of the federal Agriculture Act of 2014 classifying cash prizes of \$3,500 or more won in a single gambling game or lottery drawing as nonexempt liquid assets that will be counted in determining a household's financial eligibility. Any household that has won such a prize will not be categorically eligible for SNAP even if that household otherwise meets categorical eligibility criteria that normally exempt them from asset and net income eligibility limits.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62702, 217/557-1544.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the June 16, 2020 JCAR meeting.

IL RACING BOARD

Medication (11 IAC 603; 44 Ill Reg 3315) proposed 2/28/20

DEPT OF NATURAL RESOURCES

General Hunting and Trapping on Department-Owned or -Managed Sites (17 IAC 510; 44 Ill Reg 5572) proposed 4/3/20

Nuisance Wildlife Control Permits (17 IAC 525; 44 Ill Reg 5580) proposed 4/3/20

Duck, Goose and Coot Hunting (17 IAC 590; 44 Ill Reg 5589) proposed 4/3/20

White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 44 Ill Reg 5634) proposed 4/3/20

White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 44 Ill Reg 5640) proposed 4/3/20

Special White-Tailed Deer Season for Disease Control (17 IAC 675; 44 Ill Reg 5660) proposed 4/3/20

Late-Winter Deer Hunting Season (17 IAC 680; 44 Ill Reg 5665) proposed 4/3/20

Youth Hunting Seasons (17 IAC 685; 44 Ill Reg 5670) proposed 4/3/20